

EXHIBIT I

James T. Berger

Expert Witness • Author • Marketing Consultant



"If it doesn't matter who wins or loses, then why do they keep score?"

-Vince Lombardi



High-Value Trademark Internet Pilot Survey

TRIGGERS

- Attorneys and clients considering whether or not to file a trademark infringement lawsuit.
- Attorneys and clients who have filed a trademark infringement lawsuit and need to decide whether or not to conduct a survey.

BENEFITS

- Enables determination of the feasibility, expected costs and expected results of undertaking a survey.
- May provide valuable leverage in settlement negotiations whether a lawsuit has been filed or not.
- Can be performed at a fraction of the cost of filling a full-fledged survey.
- Results can be achieved in a very short time frame.

FEATURES:

- An Internet survey to approximate 50 people.
- Can be developed and implemented in 10 days to two weeks.
- Under \$10,000.
- Can be used for likelihood of confusion; secondary meaning; trade dress; generic and distinctiveness issues and/or dilution matters.

DELIVERABLES

- A written survey rationale and protocol
- The implementation of the survey
- A detailed memorandum report explaining the hypothesis, methodology, results as well as time frame and costs associated with rolling out the survey to a minimum of more than 250 respondents.

Adversarial Survey Rebuttal Report

TRIGGERS

- Receipt by attorneys of an adversary's survey report.

BENEFITS

- Will enable attorneys to determine feasibility of doing their own trademark infringement survey.
- Will guide attorneys in their development of cross-examination strategies and techniques

FEATURES:

- A detailed report in rebuttal to an opposing expert report
- Can be developed and implemented in 10 days to two weeks.
- Under \$10,000.
- Can be used for likelihood of confusion; secondary meaning; trade dress; generic and distinctiveness issues and/or dilution matters in trademark cases
- Will focus on the relevant target market, methodology and technical implementation of the survey

DELIVERABLES

- A comprehensive written rebuttal report focusing on methodologies and results that can be submitted to the court
- Consulting with attorneys on deposition preparation and cross-examination strategies

Trademark Survey Feasibility Analysis

TRIGGERS:

- Current or anticipated lawsuits where conducting a trademark infringement survey is being contemplated

BENEFITS

- Will enable attorneys and clients who have filed a lawsuit to determine PROs and CONs of doing a survey
- Will enable attorneys and clients who have not as yet filed the lawsuit to determine PROs and CONs of doing a survey

FEATURES:

- An analysis of an existing or proposed lawsuit with respect to the advisability of undertaking a survey
- A review pleadings, other case documents, Internet materials, etc. to determine the dynamics of the market and channels of trade.
- Can be done in less than a week for under \$1,000.
- Can be used for likelihood of confusion; secondary meaning; trade dress; generic and distinctiveness issues and/or dilution matters.

DELIVERABLES

- A written analysis of the feasibility of doing a survey including general ideas for creating and implementing such a survey.